

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LORENZO D. TOMBS,

Plaintiff,

v.

Case No. 19-C-1164

JODI FIELDS, et al.,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT
AND ADDRESSING MISCELLANEOUS MATTERS**

Plaintiff Lorenzo D. Tombs, who is representing himself, filed a complaint under 42 U.S.C. § 1983. The court entered a screening order allowing the case to proceed against Dr. Bekx, Jodi Fields, Monica Gagnon, Keith Johnson, and Angelica Rowin-Fox. Dkt. No. 18. On July 10, 2020, these defendants filed a motion for summary judgment. Dkt. No. 41. The court subsequently granted in part Plaintiff's motions for extension of time, thereby extending the time for Plaintiff to respond to Defendants' summary judgment motion until October 15, 2020. Dkt. No. 54. On August 25, 2020, Plaintiff filed a motion for summary judgment. Dkt. No. 56. Defendants filed a response in which they argue that the court should deny Plaintiff's motion as untimely. Dkt. No. 61 at 1.

The deadline for filing dispositive motions was July 10, 2020. Dkt. Nos. 21, 27. Plaintiff did not request, and the court did not grant, an extension of time to this deadline. Thus, Plaintiff's motion for summary judgment is untimely and the court will deny it on that basis. Of course, this does not mean that the court cannot grant summary judgment in favor of Plaintiff if the undisputed facts so warrant. Fed. R. Civ. P. 56(f)(1).

Plaintiff's summary judgment brief says that it also serves as a brief in opposition to Defendants' motion for summary judgment. Dkt. No. 57 at 1. While Defendants state that they did not interpret Plaintiff's filing as a response to their summary judgment motion because it is not captioned as such and because he did not respond to their proposed findings of fact (Dkt. No. 61 at 1), Plaintiff's deadline to respond to Defendants' summary judgment motion was October 15, 2020, and he has not filed any other response. To the extent Plaintiff's brief addresses the issues raised by Defendants, the court will consider it a brief in opposition, though Defendants need not respond to Plaintiff's proposed findings of fact. Defendants may file a reply as to their own motion on or before November 17, 2020, but need not do so if, as they contend, Plaintiff's brief in support of his own motion does not respond to the arguments set forth in their own motion. Since Plaintiff did not file a response to Defendants' proposed findings of fact, those facts are deemed admitted. Civil L. R. 56(b)(4).

Lastly, Plaintiff did not sign the declaration he submitted along with his response to Defendants' summary judgment motion. Dkt. No. 58. Plaintiff must submit a "signature page" for his declaration or the court will strike it from the record. *See* Fed. R. Civ. P. 11(a). To submit a signature page, Plaintiff should file a document that he has signed and that says it is to be filed along with his declaration filed August 25, 2020.

THEREFORE, IT IS ORDERED that Plaintiff's motion for summary judgment (Dkt. No. 56) is **DENIED**.

IT IS FURTHER ORDERED that Defendants may, but need not, file a reply on or before **November 17, 2020**.

IT IS FURTHER ORDERED that Plaintiff shall submit a signature page for his declaration (Dkt. No. 58) by **November 9, 2020**, or the court will strike the declaration.

Dated at Green Bay, Wisconsin this 21st day of October, 2020.

s/ William C. Griesbach

William C. Griesbach
United States District Judge